HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARNUNA REDDY

WRIT PETITION No. 9312 OF 2006

Between:

Alluri Venkata Ramaiah

… Petitioner

AND

The Andhra Pradesh State Council
for Higher Education & others.

… Respondents

Counsel for the petitioners : Shri J.Ravi Shankar

Counsel for respondent No.1 : Shri C.Sudesh Anand

Counsel for respondent No.2 : Ms. C.Sindhu Kumari

Counsel for respondent No.3 : Shri P.Sreeramulu Naidu

Counsel for respondent No.4 : Government Pleader for
Higher Education

Counsel for respondent No.5 : Shri L.Prabhakar Reddy

Dated: 6th November, 2006

: ORDER :

Per C.V.Nagarjuna Reddy, J

The petitioner, who is working as a lecturer in SPBVD College, Podalakuru, Nellore District has filed this petition in the name of public interest litigation for quashing the permission granted by the Andhra Pradesh State Council of Higher Education (for short, 'the State Council') to respondent No.5 for establishing a private degree college at Podalakuru for academic year 2005-06.

A perusal of the record shows that the petitioner had earlier filed Writ Petition No.16375 of 2005 questioning the action of respondent Nos.1 to 4 seeking to permit the 5th respondent to start the college at Podalakuru. One of the contentions raised in the said writ petition was that the premises bearing door No.4-42, Main Road, Podalakuru, Nellore District, in which the 5th respondent proposed to start the College was auctioned by a bank and it was in possession of a third party. A Division Bench of this Court, while doubting the bona fides of the petitioner in filing the said writ petition, however, disposed of the writ petition directing respondent No.1 to appoint a committee to inspect the college afresh and give a report as to whether the infrastructure required for establishment of a college is available with respondent No.5 or not.

While the petitioner has averred that the permission granted by the State Council is contrary to the rules framed vide G.O.Ms.No.29, Education (Rules) Department, dated 05.02.1987, the same has been seriously contested by the respondents. In the counter affidavit filed on behalf of the first respondent, it has been averred that a committee comprising of three members was constituted to physically verify the infrastructure available with the 5th respondent and to submit a report with respect thereto. The inspection committee visited the 5th respondent College on 25.11.2005 and submitted its report to the 1st respondent. It was mentioned in the said report that the 5th respondent had given a representation to the Inspection Committee stating that the premises bearing door No.4-44 for which initial permission was granted to start degree college for academic year 2005-06 is in dispute, but another premises situated in Survey No.185, Goudaplots, Srinivasapuram, Podalakur was taken on rent. The inspection committee physically verified the infrastructure shown by the 5th respondent and then submitted a report with the recommendation that the permission sought for may be granted to the 5th respondent to start a new degree college from academic year 2005-06. The 1st respondent accepted the report of the committee and granted permission to the 5th respondent to establish the new degree college.

In the counter affidavit filed by the 5th respondent, it has been averred that in pursuance of the permission given by the 1st

respondent for academic year 2005-06, the 3rd respondent University has accorded permission on 20.03.2006 to start the college for academic year 2006-07 and it has also given affiliation on 15.07.2006. The 5th respondent admitted students in the sanctioned courses of B.A., and B.Sc., recruited qualified staff and the classes are being run.

We have heard learned counsel for the parties. In our opinion, it is not necessary to deal with the contentions raised on behalf of the petitioner for invalidation of the permission accorded to the 5th respondent to start the college because we are convinced that the writ petition has been filed with an oblique motive. In paragraph 3 of the counter affidavit filed on behalf of the 5th respondent, the following averments have been made.

> "I submit that the writ petition was filed by the petitioner under the guise of public interest litigation to settle his private scores with the 5th respondent college, as the petitioner himself filed the above writ petition out of professional rivalry. The petitioner is the lecturer of SPBVD Degree College situated at very same Podalakuru, Nellore District. The said college was run by Padmasali Society for Education and Rural Development at Balaji Nagar, Podalakuru, Nellore District D.No.1/105, Podalakuru, Nellore District, which is registered society bearing No.443/97. The petitioner is a treasurer of the governing body of the said society with the same address bearing No.1/105, Podalakuru, Nellore District, as per list of governing body, enclosed to the Certificate of Registration. Copy of the Certificate of

> Registration of the Society together with particulars of the Government Body is enclosed as Ex.No.1. Having flouted the said society and having started SPBVD Degree College, Podalakuru, which is running private Junior and Degree Colleges is not allowing the 5th respondent college in the said village, Podalakuru, considering it as competition out of jealousy in unjust manner. Therefore, the allegation of the petitioner that he is public spirited person and filing this writ petition as public interest litigation, as mentioned in para No.1 of the affidavit, is totally incorrect in view of the above stated facts and circumstances and the writ petition is liable to be dismissed."

Though the petitioner filed a reply affidavit dated 29.10.2006, he has not controverted the above reproduced allegations contained in the affidavit of the 5th respondent. It is, thus, evident that in the garb of public interest litigation, the petitioner has filed this petition for advancing personal interest, and with a view to mislead the Court, he deliberately suppressed the fact that he himself is a part of the management of SPBVD Degree College. Thus, the petitioner has not approached the Court with clean hands and is, therefore, not entitled to the relief under Article 226 of the Constitution of India.

In **JASBHAI MOTIBHAI DESAI v. ROSHAN KUMAR**[1], a four Judge Bench of the Supreme Court held:

> "It will be seen that in the context of locus standi to apply for a writ of certiorari, an applicant may ordinarily fall in any of these categories; (i) 'person aggrieved'; (ii) 'stranger'; (iii) busybody or meddlesome interloper. Persons in the last category

> are easily distinguishable from those coming under the first two categories. Such persons interfere in things which do not concern them. They masquerade as crusaders for justice. They pretend to act in the name of pro bono publico, though they have no interest of the public or even of their own to protect. They indulge in the pastime of meddling with the judicial process either by force of habit or from improper motives. Often, they are actuated by a desire to win notoriety or cheap popularity; while the ulterior intent of some applicants in this category, may be no more than spoking the wheels of administration. The High Court should do well to reject the applications of such busybodies at the threshold."

In **JANATA DAL v. H.S. CHOWDHARY & OTHERS**[2], the Supreme Court, after reviewing the entire case law on the issue, held that only a person acting bona fide and having sufficient interest in the proceedings of PIL will alone have a locus standi and can approach the Court to wipe out the tears of the poor and needy suffering from violation of their fundamental rights, but not for a personal gain or private profit or political motive or any oblique consideration and that a vexatious petition under the colour of PIL brought before the Court for vindicating any personal grievance, deserves rejection at the threshold. The Supreme Court further held that while genuine litigants are waiting in the serpentine queue seeking redressal of their grievances, the busybodies, meddlesome interlopers, wayfarers or officious interveners having absolutely no public interest except for personal gain or private profit either for themselves or as proxy of

others or for any other extraneous motivation or for glare of publicity break the queue muffling their faces by wearing the mask of public interest litigation, and get into the Courts by filing vexatious and frivolous petitions and thus criminally waste the valuable time of the Courts.

Having carefully considered the pleadings, we are of the view that the petitioner has approached this Court purely for a personal gain masquerading himself as a person espousing the cause of public.

In the result, the writ petition is dismissed.

For indulging the vexatious litigation, the petitioner is mulcted with costs of Rs.10,000/- (Rupees Ten thousand only) payable to the Andhra Pradesh Legal Services Authority, within a period of four weeks from the date of receipt of a copy of this order. The Member Secretary of Andhra Pradesh Legal Services Authority shall report to this Court as to whether the petitioner complied with the direction by depositing costs so that appropriate directions can be given for recovery of costs from the petitioner in the event of his failure.

As a sequel to the dismissal of the writ petition, W.P.M.P.No.11805 of 2006 filed by the petitioner for interim relief is also dismissed.

C.V.NNAGARJUNA REDDY, J

6th November, 2006

G.S.SINGHVI, CJ

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[1] (1976) 1 SCC 671

[2] (1992) 4 SCC 305